IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

WP(C).No. 35139 of 2004(G)

PETITIONER:

HAMZA THANIKAT @ HAMZA BIN SAIDALI,
S/O.THANIKKATTU SAIDALI KUTTY @ BAWA,
THANIKATT HOUSE, MUTHOOR P.O.,
TIRUR TALUK, MALAPPURAM DSISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

1. **UNION OF INDIA, REP. BY SECRETARY,**
   MINISTRY OF HOME AFFAIRS, NEW DELHI.

2. **UNDER SECRETARY (F.I.0,**
   FOREIGNERS DIVISION, MINISTRY OF HOME AFFAIRS,
   NEW DELHI.

3. **STATE OF KERALA,**
   REPRESEDNTED BY PRINCIPAL SECRETARY,
   HOME DEPARTMENT, TRIVADNRUM.

4. **CIVIL AUTHORITY AND DISTRICT COLLECTOR,**
   MALAPPURAM.

5. **SUPERINTENDENT OF POLICE,**
   MALAPPURAM DISTRICT, MALAPPURAM.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 35139/2004 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE EXTRACT OF THE ADMISSION REGISTER OF AM UY SCHOOL AT VETTOM.

EXT.P2. COPY OF THE EMERGENCY CERTIFICATE DT. 30/08/57 BY THE ASST. PASSPORT OFFICER,MADRAS.

EXT.P3. COPY OF THE FIRST PAGE OF PASSPORT NO. 080472 DT. 4/6/63 TO THE PETITIONER.

EXT.P4. COPY OF THE FIRST PAGE OF PASSPORT NO. 086377 DT. 23/09/75 TO THE PETITIONER.

EXT.P5. COPY OF THE SCAN REPORT OF THE PETITIONER'S LIVER, ISSUED BY DR. ROY THOMAS,NATIONAL SCAN AND RESEARCH CENTRE, CALICUT.

EXT.P6. COPY OF THE MEDICAL EXAMINATION REPORT DT. 16/12/03 OF THE PETITIONER.

EXT.P7. COPY OF THE PETITION DT. 15/3/2001 BY THE PETITIONER BEFORE THE R1.

EXT.P8. COPY OF THE PROCEEDINGS VIDE NO. REF. S. 1/7423/04 DT. 12/3/04 ISSUED BY THE R3.

EXT.P9. COPY OF THE REPRESENTATION DT. 8/4/04 BEFORE THE chief MINISTER OF KERALA SUBMITTED BY THE PETITIONER, SYNOPSIS.

EXT.P10. COPY OF THE RELEVANT PAGE OF VOTERS LIST IN TIRUR ASSEMBLE (POLLING STATION NO. 51)

EXT.P11. COPY OF THE NATIVITY CERTIFICATE ISSUED BY VILLAGE OFFICER, TRIKKANDIYOOR TO THE PETITIONER DT. 6/4/04.

EXT.P12. COPY OF THE LETTER NO. 26021/10/2001-IC-1 DT. 16/4/2001 BY THE R1.

EXT.P13. COPY OF THE JUDGMENT BY THIS COURT IN WPC NO. 13799/04 DT. 23/09/04.

EXT.P14. COPY OF THE APPLICATION DT. 30/09/04 BY THE PETITIONER BEFORE THE R1.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 35139 OF 2004

Dated this the 18th day of July, 2007.

J U D G M E N T

This writ petition is filed with the following prayers:

> 1) Call for the records leading to Exhibit P8 and Exhibit P12 and to quash the same by a writ of certiorari.
>
> 2) Issue a writ of mandamus or appropriate writ or order or direction commanding the first respondent to grant Indian Citizenship to the Petitioner forthwith.
>
> 3) Issue a writ of mandamus or appropriate writ or order or direction commanding the first respondent to consider Exhibit P14 and to permit the Petitioner to stay in India permanently till his death along with his family members forthwith.

2. In case no orders have been passed by the first respondent on Exhibit P14, there will be a direction to the first respondent to dispose of the same in accordance with law within a period of three months from the date of receipt of a copy of this judgment. The fate of the bond executed by the petitioner pursuant to the interim order dated 03.12.2004 will depend on the action taken by the first respondent as above.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp